

Chapter 165. An Act to Amend the Requirement Concerning Dioxin

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §420, sub-§2, ¶I, as enacted by PL 1997, c. 444, §7, is amended by amending subparagraph (3) to read:

(3) After December 31, 2002, a mill may not discharge dioxin into its receiving waters. For purposes of this subparagraph, a mill is considered to have discharged dioxin into its receiving waters if 2, 3, 7, 8 - tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8 - tetrachlorodibenzo-p-furan is detected in any of the mill's internal waste streams of its bleach plant and in a confirmatory sample at levels exceeding 10 picograms per liter, unless the department adopts a lower detection level by rule, which is a routine technical rule pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A, or a lower detection level by incorporation of a method in use by the United States Environmental Protection Agency, or if levels of dioxin, as defined in section 420-A, subsection 1 detected in fish tissue sampled below the mill's wastewater outfall are higher than levels in fish tissue sampled at an upstream reference site not affected by the mill's discharge or on the basis of a comparable surrogate procedure acceptable to the commissioner. The commissioner shall consult with the technical advisory group established in section 420-B, subsection 1, paragraph B, subparagraph (5) in making this determination and in evaluating surrogate procedures. The fish-tissue sampling test must be performed with differences between the average concentrations of dioxin in the fish samples taken upstream and downstream from the mill measured with at least 95% statistical confidence. If the mill fails to meet the fish-tissue sampling-result requirements in this subparagraph and does not demonstrate by December 31, ~~2003~~ 2004 and annually thereafter to the commissioner's satisfaction that its wastewater discharge is not the source of elevated dioxin concentrations in fish below the mill, then the commissioner may pursue any remedy authorized by law.

Sec. 2. PL 1997, c. 444, §10 is amended to read:

Sec. 10. Report; dioxin. The Commissioner of Environmental Protection and the Commissioner of Human Services shall report to the Governor and the joint standing committee of the Legislature having jurisdiction over natural resources matters by May 1, 2001, ~~and every January 1st thereafter~~, on progress made in achieving the requirements specified in the Maine Revised Statutes, Title 38, section 420, subsection 2. On ~~May 1, 2003~~ February 16, 2004, the Commissioner of Environmental Protection and the Commissioner of Human Services shall present to the Governor and the joint standing committee of the Legislature having jurisdiction over natural resources matters a comprehensive assessment on the progress in eliminating the discharge of dioxin from bleach kraft pulp mills in this State. The assessment must report on:

1. Dioxin concentrations in fish above and below mills and the health implications of those concentrations;
2. Any evidence that dioxin is being discharged from any mill;

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3. Current technology that achieves no discharge of dioxin;
4. The need for continuing the dioxin monitoring program; and
5. Other known sources of dioxin polluting rivers in this State.

The commissioners shall make recommendations regarding any additional action that may be warranted.